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10 UNITED STATES DISTRICT COURT  
11 FOR THE EASTERN DISTRICT OF WASHINGTON

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 ERUBEY ARCIGA MEDRANO (a/k/a  
16 “Wheto”),  
17 LUIS ESQUIVEL-BOLANOS  
18 (a/k/a “Colorado”),

19 Defendants.

Case No. 2:23-CR-00047-TOR-1, 2

United States’ Response to  
Defendant’s Motion to Suppress  
Physical Evidence

20 Defendant Erubey Arciga Medrano (herein “Medrano”) has filed a motion to  
21 suppress physical evidence. ECF No. 234. Medrano also requests a hearing pursuant  
22 to *Franks v. Delaware*, 438 U.S. 154 (1978). ECF No. 234 at 10. Medrano’s claims  
23 lack legal and factual merit, and the motion should be denied. Co-defendant Luis  
24 Esquivel-Bolanos (herein “Bolanos”) has filed a “Notice of Joinder to Co-Defendant  
25 Medrano’s Motion to Suppress.” ECF No. 235. Bolanos’s “notice” makes no factual  
26 allegations and should also be denied.  
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**I. Statement of Facts**

The defendants are charged by Superseding Indictment with multiple drug offenses and a firearm offense. ECF No. 218. The charges are the result of an investigation that began around January 2023, when the Bureau of Indian Affairs (“BIA”) identified defendant Medrano as a leader/organizer of a drug trafficking organization operating in the Orville, Washington area, as well as on the Colville Indian Reservation in Washington and the Crow Indian Reservation in Montana. The investigation revealed that Medrano and his father, Virgilio Arciga Galvan, were engaged in the large-scale distribution of methamphetamine and fentanyl.

During the investigation, BIA, the Drug Enforcement Administration (“DEA”), Washington State law enforcement, and Colville Tribal law enforcement conducted a series of controlled buys, beginning in January 2023 through March 2023, from Medrano, Co-Defendant Bolanos, and other co-defendants selling drugs on their behalf. During some of the controlled buys, the confidential informant called a phone number associated with Medrano to arrange the transaction. Other times, the informant travelled to 24 Swanson Mill Road to purchase controlled substances. This location was a plot of land containing three mobile homes and various outbuildings. For some of the controlled buys not occurring at the Swanson Mill Road location, video surveillance from a pole camera showed that the person who provided the drugs to the confidential informant had come from 24 Swanson Mill Road prior to the transactions and returned to the location after conducting the transaction.

1 Additional surveillance, information gleaned from court-authorized  
2 eavesdropping by federal authorities in Montana, and information from other  
3 confidential informants further established that the three mobile homes at 24 Swanson  
4 Mill Road were connected to the drug trafficking organization. The investigation also  
5 connected two “picker cabins” that were a 10-15 minute drive away, to the drug  
6 trafficking organization.  
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9 After obtaining arrest warrants and search warrants, a takedown occurred on  
10 April 19, 2023, in both the District of Montana and the Eastern District of  
11 Washington. As a result of the takedown, numerous pounds of methamphetamine,  
12 fentanyl, and other drugs were seized from property associated with Medrano, Galvan,  
13 Bolanos, and others. On the morning of the takedown Medrano was arrested at 24-A  
14 Swanson Mill Road and Bolanos was arrested at the Northern Quest casino.  
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17 Medrano’s motion, which Bolanos has joined, seeks to suppress seven federal  
18 search warrants. The relevant warrants are as follows:  
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- 20 • 23-MJ-00168-JAG – A warrant authorizing the search of 24 Swanson  
21 Mill Road in Oroville, Washington. This was a single wide mobile home  
22 and the alleged residence of Medrano. This location was sometimes  
23 referred to as “24-A Swanson Mill Road.”
- 24 • 23-MJ-00169-JAG – A warrant authorizing the search of 24-B Swanson  
25 Mill Road in Oroville, Washington. This was a single wide mobile home  
26 located on the same plot of land as Medrano’s alleged mobile home.
- 27 • 23-MJ-00170-JAG – A warrant authorizing the search of 24-C Swanson  
28 Mill Road in Oroville, Washington. This was another single wide mobile  
home located on the same plot of land as the above two locations.

- 1 • 23-MJ-00171-JAG – A warrant authorizing the search of two small  
2 “picker cabins” located at 1519 Highway 7 in Oroville, Washington.
- 3 • 23-MJ-00177-JAG – A warrant authorizing collection of location  
4 information records for a cell phone allegedly used by Medrano.
- 5 • 23-MJ-00178-JAG – A warrant authorizing collection of location  
6 information records for a second cell phone allegedly used by Medrano.
- 7 • 23-MJ-00180-JAG – A warrant authorizing a second search of the three  
8 mobile homes located at 24-A, and 24-B, and 24-C Swanson Mill Road  
in Oroville, Washington, as well as outbuildings and surrounding land.

9 Law enforcement also obtained additional search warrants during the  
10 investigation, including a warrant for the collection of location information for a cell  
11 phone allegedly used by Bolanos as well as a warrant authorizing the search of a  
12 Chevy Suburban in which Bolanos had arrived at the Northern Quest casino prior to  
13 his arrest. Neither Medrano nor Bolanos have challenged these warrants. ECF Nos.  
14 234 at 1; 235.

## 17 **II. Defendant’s Motion to Suppress and for a *Franks* Hearing Should be** 18 **Denied**

19 Medrano seeks to suppress all evidence seized pursuant to the seven warrants  
20 detailed above. Specifically, Medrano alleges that the warrant applications contain  
21 misrepresentations or omissions, and he therefore requests a *Franks* hearing. Although  
22 Medrano alleges “that the purported bases for probable cause is quite thin,” (ECF No.  
23 234 at 10) it does not appear he is alleging that the search warrant applications lack  
24 probable cause, absent a successful *Franks* challenge.  
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1 Medrano and Bolanos’s challenges to the seven search warrants must fail. As an  
2 initial matter, both defendants lack standing to challenge many of the search warrants  
3 because they have not established they had a reasonable expectation of privacy as to  
4 many of the locations and electronic data covered by the warrants. Furthermore, even  
5 if Medrano and Bolanos had standing, their allegations are legally and factually  
6 without support and their motion for a *Franks* hearing should be denied in its entirety  
7 without the need for a hearing.  
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9  
10 **A. Medrano and Bolanos Lack Standing as to Many of the Warrants**

11 The person challenging the fruits of a search must have a legitimate expectation  
12 of privacy in the area searched. *Rakas v. Illinois*, 439 U.S. 128, 143 (1978); *Minnesota*  
13 *v. Carter*, 525 U.S. 83, 88 (1994) (in *Rakas*, “we held that in order to claim the  
14 protection of the Fourth Amendment, a defendant must demonstrate that he personally  
15 has an expectation of privacy in the place searched, and that his expectation is  
16 reasonable”); *United States v. Salvucci*, 448 U.S. 83 (1980) (defendant charged with  
17 possession of stolen mail lacked standing to challenge warrant used to search  
18 apartment of co-defendant’s mother).  
19

20 The burden of establishing standing lies with the person challenging a search.  
21 *Rawlings v. Kentucky*, 448 U.S. 98, 104 (1980). Defendant Bolanos made no factual  
22 allegations in his “Notice of Joinder” and the search warrant affidavits provide him  
23 with no factual support. Accordingly, he lacks standing to challenge all the warrants  
24 listed in co-defendant Medrano’s motion. Medrano also fails to allege any facts in his  
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1 motion that would establish standing. Many of the warrant applications, such as for  
2 the picker cabins, and 24-B and 24-C Swanson Mill Road also do not provide  
3 Medrano with standing for the respective locations. Thus, Medrano, at most, has  
4 standing to challenge only four of the relevant search warrants.  
5

6 1. Warrants for cell phone location information records  
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8 Medrano seeks to suppress information seized pursuant to two federal warrants  
9 (23-MJ-00177-JAG and 23-MJ-00178-JAG ) that granted the seizure of location  
10 information related to two cell phones allegedly used by Medrano. Bolanos also  
11 joined in this request although there was no allegation in the warrant applications or  
12 the pleadings that Bolanos used either of the cell phones covered by the challenged  
13 warrants. Thus, Bolanos certainly lacks standing, and his challenges to 23-MJ-00177-  
14 JAG and 23-MJ-00178-JAG must fail.  
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17 As to Medrano, he also fails to establish an expectation of privacy in the  
18 location data from the two devices covered by the two warrants. However, because the  
19 warrant applications allege that both phones were used by Medrano and one of the  
20 target phones was registered in his name, the United States will respond to the  
21 substance of Medrano's allegations as to the two warrants, should the Court decide  
22 that Medrano has standing.  
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25 2. Warrant for the "picker cabins"  
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27 Medrano, and by extension Bolanos, also challenges search warrant 23-MJ-  
28 00171-JAG, which authorized the search of two small "picker cabins" in Oroville. The

1 warrant application alleged the defendants’ drug trafficking organization used these  
2 cabins to store controlled substances, but there was no allegation in the warrant  
3 affidavit or defendants’ pleadings that either Medrano or Bolanos resided at the  
4 cabins, owned or rented the cabins, or even had lawful access to the cabins. Indeed, it  
5 was because they lacked a clear possessory interest in these cabins that Medrano and  
6 Bolanos used them to store drugs and weapons. While this was arguably a wise  
7 strategic move in the drug trafficking realm, it is fatal to any claim of standing by the  
8 two defendants.  
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11 Nor do the defendants have any “automatic standing” as to the cabins, as there  
12 is no “automatic standing” rule. *Salvucci*, 448 U.S. at 85 (“Today we hold that  
13 defendants charged with crimes of possession may only claim the benefits of the  
14 exclusionary rule if their own Fourth Amendment rights have in fact been violated.  
15 The automatic standing rule of *Jones v. United States*, [362 U.S. 257 (1960)] is  
16 therefore overruled.”); *see also United States v. Padilla*, 508 U.S. 77 (1993)  
17 (defendant charged with conspiracy does not have automatic standing to challenge  
18 evidence simply because he is a member of the conspiracy).  
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20  
21 Accordingly, the challenges to 23-MJ-00171-JAG must be denied because  
22 neither defendant has standing to challenge the search of the cabins.  
23

### 24 3. Warrants for 24 Swanson Mill Road

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26 The DEA/BIA obtained four search warrants for the 24 Swanson Mill Road  
27 property. Warrant 23-MJ-00168-JAG related to 24 Swanson Mill Road, which was  
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1 subsequently referred to as “24-A Swanson Mill Road” in a later warrant. The warrant  
2 covered a single wide trailer on the property, as well as the curtilage, any  
3 campers/RVs on the property, and any vehicles owned by Medrano or registered to his  
4 father Galvan. The affidavit for this search warrant alleged that Medrano resided at the  
5 location and he was arrested in the trailer during execution of the warrant. Thus  
6 Medrano, but not Bolanos, may have standing to challenge this warrant.  
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9 Warrant 23-MJ-00169-JAG authorized a search of 24-B Swanson Mill Road,  
10 including a single wide trailer on the property, as well as the curtilage, any  
11 campers/RVs on the property, and any vehicles owned by Medrano or registered to  
12 Galvan. The warrant application established that the drug trafficking organization  
13 used the location to distribute drugs, but the application did not allege that either  
14 Medrano or Bolanos resided at the location or otherwise had an expectation of privacy  
15 at the location. Nor has either defendant alleged facts in their pleadings that would  
16 establish standing. A substantial amount of fentanyl, methamphetamine, heroin, and  
17 cocaine, along with a number of firearms, was recovered from the trailer during  
18 execution of the warrant.  
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22 Warrant 23-MJ-00170-JAG authorized a search of 24-C Swanson Mill Road,  
23 including a single wide trailer on the property, as well as the curtilage, any  
24 campers/RVs on the property, and any vehicles owned by Medrano or registered to  
25 Galvan. The application alleged that Medrano’s father, Virgilio Arciga Galvan,  
26 resided at this residence, but did not allege that either Medrano or Bolanos resided at  
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1 the location, were overnight guests, or otherwise had an expectation of privacy at the  
2 location. Neither defendant alleged facts in their pleadings that would establish  
3 standing.  
4

5 Although some items of potential evidentiary value were seized from the trailer  
6 at 24-C Swanson Mill Road, the most significant recovery was the seizure of 1.8  
7 kilograms of heroin and approximately 59,000 fentanyl-laced pills buried in the  
8 ground under a shed approximately 30-50 feet away from the trailer. Even if Medrano  
9 or Bolanos had standing to challenge the search of the trailer itself, they would not  
10 have standing to challenge the search of this storage shed. *See United States v. Brady*,  
11 993 F.2d 177 (9th Cir. 1993) (district court's finding that outbuilding, which was 45  
12 feet from house, was not within protected curtilage of defendant's house was not  
13 clearly erroneous).  
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17 During the takedown on April 19, 2023, law enforcement recovered a  
18 substantial quantity of controlled substances and multiple weapons from the picker  
19 cabins, from 24-B Swanson Mill Road, and buried under a shed at 24-C Swanson Mill  
20 Road. Warrant 23-MJ-00180-JAG was obtained after the initial search because law  
21 enforcement learned that additional drugs and/or money may be buried on the  
22 property. The warrant sought to search the property surrounding 24-A, 24-B, and 24-C  
23 Swanson Mill Road and seize Medrano's cell phone from the location. No additional  
24 contraband was located during the second search and the United States will not be  
25 seeking to introduce any evidence seized during the second search. Accordingly,  
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1 Medrano's motion is moot as to warrant 23-MJ-00180-JAG. Bolanos's motion is also  
2 moot and regardless, he lacks standing to challenge this warrant.

3  
4 In summary, Bolanos lacks standing to challenge all the search warrants listed  
5 in co-defendant Medrano's motion. Bolanos made no factual allegations of his own  
6 and the search warrant affidavits make no assertions that would provide Bolanos with  
7 standing. Medrano also failed to sufficiently claim standing in his motion.

8  
9 Accordingly, Medrano, at most, has standing to challenge only four of the warrants:  
10 23-MJ-00177-JAG (location information for cell phone), 23-MJ-00178 (location  
11 information for a second cell phone), 23-MJ-00168-JAG (24 Swanson Mill Road, aka  
12 24-A Swanson Mill Road) and 23-MJ-00180-JAG (second search of 24-A Swanson  
13 Mill Road and adjacent properties). To the extent Medrano has standing as to these  
14 search warrants, his motion is still without merit and must be denied.  
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### 17 **B. Probable Cause Existed for Issuance of the Warrants**

18 The magistrate judge correctly found that the search warrant applications  
19 established probable cause. The applications detailed an extensive and thorough  
20 investigation involving surveillance, multiple controlled buys, court-authorized  
21 eavesdropping, and interviews with multiple sources of information.  
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#### 24 1. Warrants for cell phone location information records

25 As to the two search warrants for location information for Medrano's two cell  
26 phones, the applications established that one of the phones was registered in  
27 Medrano's name (ECF 234-1 at 4, ¶ 3) and law enforcement captured Medrano using  
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1 both phones pursuant to court-authorized eavesdropping conducted by law  
2 enforcement in Montana (*id.* at 13-14, ¶¶ 23-27). The applications also established  
3 that Medrano had not only distributed methamphetamine to a confidential informant  
4 (*id.* at 16, ¶ 33), but had personally arranged another transaction (*id.* at 16-18, ¶¶ 35-  
5 37). The applications also cited detailed intelligence from a different confidential  
6 source that corroborated Medrano’s involvement in drug trafficking. *Id.* at 12-13,  
7 ¶¶ 14-16. Thus, there was ample probable cause to believe that Medrano was involved  
8 in drug trafficking and used both target cell phones. Thus, there was clearly probable  
9 cause to believe that location information from the two phones would assist law  
10 enforcement in their investigation.

## 14 2. Swanson Mill Road and “picker cabins”

15 The search warrants for the Swanson Mill Road locations and the “picker  
16 cabins” were all supported by sufficient probable cause. All the applications detailed  
17 the extensive federal investigation that connected the locations to the drug trafficking  
18 targets and drug trafficking activity. The applications made clear that both Medrano  
19 and Galvan were involved in drug trafficking and resided at 24-A and 24-C Swanson  
20 Mill Road, respectively. Accordingly, there was probable cause for issuances of  
21 warrants to search the properties. The affidavit for 24-B Swanson Mill Road also  
22 detailed the drug transactions that had occurred at the location and demonstrated that  
23 the individuals selling drugs on behalf of Medrano and Bolanos were frequently  
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1 observed coming from 24-B prior to the transactions and returning to the location  
2 immediately after the transactions.

3         The application for the warrant authorizing the search of the “picker cabins”  
4 also detailed their connection to Medrano’s drug trafficking organization. This  
5 included confidential sources who had delivered substantial quantities of drugs to the  
6 cabins (ECF 234-3 at 10-11, ¶ 11) and surveillance showing items being moved from  
7 Swanson Mill Road to the cabins (*id.* at 27-28, ¶¶ 60-62). Furthermore, the application  
8 established that surveillance revealed Galvan’s vehicle parking at the picker cabins.  
9 *Id.* at 28, ¶ 64.

### 13         **C. Defendants are Not Entitled to a *Franks* Hearing**

14         The defendants have not established that they are entitled to a *Franks* hearing.  
15 Under *Franks*, a search warrant must be voided and the fruits of the search excluded  
16 only if a defendant shows that “a false statement knowingly and intentionally, or with  
17 reckless disregard for the truth, was included by the affiant in the warrant affidavit,  
18 and if the allegedly false statement is necessary to the finding of probable cause.”  
19 *Franks v. Delaware*, 438 U.S. 154, 155-56 (1978). Defendant Medrano’s allegations  
20 regarding false statements are without merit. Furthermore, Medrano does not establish  
21 that the alleged false statements or omissions were necessary for the finding of  
22 probable cause, and accordingly his motion must be denied.

23         Medrano alleges that the affiants of the search warrants made three categories  
24 of false or misleading statements or omissions:  
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1 First, Medrano claims the affidavits falsely assert that during a  
2 controlled buy on January 25, 2023, co-defendant Bolanos was acting as  
3 an interpreter and Medrano, through the interpreter, was threatening the  
4 informant. ECF No. 234 at 6-7.

5 Second, Medrano alleges that the warrants should have disclosed  
6 additional impeachment information regarding a confidential informant  
7 who conducted a single controlled buy during the investigation. *Id.* at 7.

8 Third, Medrano argues that the affidavits “do not provide  
9 information reflecting that Mr. Medrano’s other family members, but not  
10 him, were involved in drug distribution.

11 Reviewing courts normally do not “‘flyspeck’ the affidavit supporting a search  
12 warrant through de novo review; rather, the magistrate judge’s determination should  
13 be paid great deference.” *United States v. Kelley*, 482 F.3d 1047, 1050 (9th Cir. 2007)  
14 (citing and quoting *United States v. Gourde*, 440 F.3d 1065, 1069 (9th Cir. 2006) (en  
15 banc) and *Illinois v. Gates*, 462 U.S. 213 (1983)). Medrano’s arguments fail to satisfy  
16 either of the two *Franks* prongs and do not present a close call. However, even if they  
17 did, “[i]n borderline cases, preference will be accorded to warrants and to the decision  
18 of the magistrate issuing it.” *United States v. Martinez*, 588 F.2d 1227, 1234 (9th Cir.  
19 1987); *see Gates*, 462 U.S. at 237 n.10 (quoting *United States v. Ventresca*, 380 U.S.  
20 102, 109 (1965)) (“Although in a particular case it may not be easy to determine when  
21 an affidavit demonstrates the existence of probable cause, resolution of doubtful or  
22 marginal cases in this area should largely be determined by the preference to be  
23 accorded to warrants.”).

1 If a district court grants a *Franks* hearing, the defendant “must establish both  
2 [*Franks*] prongs by a preponderance of the evidence.” *United States v. Norris*, 942  
3 F.3d 902, 910 (9th Cir. 2019) (citing *United States v. Martinez-Garcia*, 397 F.3d  
4 1205, 1214-15 (9th Cir. 2005)). To satisfy the first *Franks* prong, “the defendant must  
5 show by a preponderance of the evidence that the affiant knowingly and intentionally,  
6 or with reckless disregard for the truth, made false or misleading statements or  
7 omissions in support of the warrant application.” *United States v. Perkins*, 850 F.3d  
8 1109, 1116 (9th Cir. 2017) (citing *Martinez-Garcia*, 397 F.3d at 1214). Notably, “[a]  
9 negligent or innocent mistake does not warrant suppression.” *Perkins*, 850 F.3d at  
10 1116 (citing *Franks*, 438 U.S. at 171).

14 To satisfy the second *Franks* prong, “the question is whether the omitted fact is  
15 ‘material’; that is, whether it is ‘necessary to the finding of probable cause.’” *Perkins*,  
16 850 F.3d at 1119 (quoting *Franks*, 438 U.S. at 156). Probable cause, in turn, means  
17 that “there is fair probability that contraband or evidence of a crime will be found in a  
18 particular place.” *Gates*, 462 U.S. at 213. That standard “is not terribly demanding,”  
19 *United States v. Collins*, 427 F.3d 688, 691 (9th Cir. 2005), and does not impose “a  
20 high bar.” *Kaley v. United States*, 571 U.S. 320, 338 (2014).

23 In determining materiality, “[t]he key inquiry is ‘whether probable cause  
24 remains once the evidence presented to the magistrate judge is supplemented with the  
25 challenged omissions.’” *Perkins*, 850 F.3d at 1119 (quoting *United States v. Ruiz*, 758  
26 F.3d 1144, 1149 (9th Cir. 2014)). “If probable cause remains, the defendant has failed  
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1 to establish a material omission.” *Norris*, 942 F.3d at 910 (citing *Perkins*, 850 F.3d at  
2 1119).

3       As noted above, Medrano claims that three topics were false/misleading or  
4 omitted from the search warrant applications: co-defendant Bolanos’s role in the  
5 January 25<sup>th</sup> controlled buy and accuracy of the interpretation, the absence of  
6 additional impeachment information regarding the March 7<sup>th</sup> controlled buy, and  
7 downplaying of the involvement of Medrano’s family members in drug trafficking. As  
8 detailed below, these three claims are without merit. Defendant’s *Franks* argument  
9 should be denied because the affiants did not knowingly and intentionally, or with  
10 reckless disregard for the truth, make false or misleading statements or omissions.  
11 Furthermore, even if Medrano’s allegations were true, the information was immaterial  
12 to the probable cause determinations.  
13

14       First, Medrano’s arguments regarding the January 25<sup>th</sup> controlled buy do not  
15 warrant a *Franks* hearing. Medrano is correct that an initial translation of the January  
16 25<sup>th</sup> controlled buy, which was relied upon by both affiants to the search warrants,  
17 contained mistakes. After further review of the audio recording of the buy, months  
18 after the search warrants were executed, law enforcement determined that co-  
19 defendant Bolanos was not the individual interpreting English for Medrano during the  
20 controlled buy. Around this time, additional review of the recordings also revealed  
21 that the interpreter had been embellishing certain statements that Medrano directed  
22 towards the informant. This information was promptly provided to the defense.  
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1 While Medrano is correct that these mistakes occurred, they are not sufficient to  
2 satisfy the first *Franks* prong. The above mistakes were not the fault of either of the  
3 affiants to the search warrants. Neither Special Agents Darya Aziz (affiant as to the  
4 warrants for cell phone location information) or Cody SiJohn (affiant as to the  
5 remaining search warrants) speak Spanish. They did not conduct the translations at  
6 issue. Rather, they in good faith relied upon translations conducted by another agent.  
7 Similarly, they also relied upon the agent's report purporting to identify Bolanos in  
8 the audio recording. Accordingly, the two affiants had no reason to know of the  
9 mistaken translation or misidentification of Bolanos.  
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13 While there were undoubtedly mistakes in some portions of the translation from  
14 the January 25<sup>th</sup> controlled buy, Medrano is wrong when he suggests he did not  
15 threaten and intimidate the informant. Medrano's motion ignores that Medrano  
16 repeatedly emphasized to the informant that a lot of people were claiming the  
17 informant was a "rat." While this was happening, the informant was nearly strip  
18 searched and also acknowledged that being an informant could be fatal. This was  
19 interpreted back to Medrano and he made no effort to correct the informant's  
20 statement.  
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24 Lastly, Medrano ignores the most important aspect of the January 25<sup>th</sup>  
25 controlled buy remains true and unchallenged—Medrano provided the informant with  
26 over 20 grams of methamphetamine. Thus, regardless of the nature of the threats and  
27 the identity of the translator, the controlled buy established probable cause to believe  
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1 that drugs were being distributed from 24-B Swanson Mill Road and that Medrano  
2 was personally involved in their distribution. Accordingly, Medrano's argument also  
3 fails to satisfy the second *Franks* prong because the incorrect information included in  
4 the affidavit, when omitted, does not negate the existence of probable cause.  
5

6       Next, Medrano argues that the search warrant applications should have  
7 disclosed additional details regarding a confidential informant (referred to in the  
8 applications as "CS-3") who conducted just one controlled buy during the  
9 investigation. *Id.* at 7. Specifically, Medrano faults the affiants for omitting that CS-3  
10 knew Medrano and his family well and for omitting that CS-3 had a gambling debt.  
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13       While noting that CS-3 knew Medrano well could arguably have strengthened  
14 the search warrant applications, the failure to include this information is not the type  
15 of omission that satisfies the first *Franks* prong. Similarly, because it lacks  
16 materiality, it also fails to satisfy the second *Franks* prong. As to the alleged gambling  
17 debt, assuming that the affiants even knew about CS-3's gambling debts, the  
18 information is insufficient to warrant a *Franks* hearing. The search warrant  
19 applications disclosed that CS-3 was being financially compensated for their  
20 cooperation. ECF No. 234-3 at 22, ¶ 45. Disclosing an informant's motivation for  
21 cooperating, which was done in the present case, is all that is required. When an  
22 informant is being financially compensated, it is immaterial how the informant is  
23 spending their proceeds. Accordingly, the failure of the affiants to recite the details of  
24 CS-3's personal finances is insufficient to justify a *Franks* hearing.  
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1 Medrano's last argument as to CS-3 is a single sentence claiming that the  
2 affidavits incorrectly allege Medrano was involved in the March 7<sup>th</sup> controlled buy.  
3 Medrano does not elaborate on this claim and does not appear to contest the discovery  
4 detailing that Medrano arranged the transaction. This baseless assertion, without more,  
5 is insufficient to warrant to *Franks* hearing.  
6

7 The last subject matter of Medrano's *Franks* argument focuses on his family's  
8 involvement in drug trafficking. Specifically, Medrano claims that "[t]he warrant  
9 applications also do not provide information reflecting that Mr. Medrano's other  
10 family members, but not him, were involved in drug distribution." ECF No. 234 at 7.  
11 This assertion is refuted by the warrants attached to Medrano's own motion. The  
12 warrant affidavits reveal that Medrano's father was extensively involved in drug  
13 trafficking. In fact, Galvan's name appears over thirty times in a single affidavit. *See*,  
14 *e.g., id.* at ¶¶ 11, 13, 16, 43, 59. The application also cites information regarding  
15 Medrano's brother, Arturo Arciga Galvan. *Id.* at 11, ¶ 11. Accordingly, the affidavits  
16 made abundantly clear that Medrano's family was also involved in drug trafficking.  
17 Nor does Medrano specify what information he learned from the discovery that should  
18 have been disclosed in the affidavits.  
19

20 Medrano also alleges that his name does not appear in the discovery related to  
21 the District of Montana's investigation. This is incorrect. The mistake is likely linked  
22 with Medrano's incorrect assertion that law enforcement has confused Medrano with  
23 another suspect named "Guero." *See* ECF No. 234 at 7. However, as detailed in the  
24

1 discovery, Guero is another of Medrano's nicknames. Accordingly, Medrano's claim  
2 is contradicted by documentary evidence.

3  
4 In summary, Medrano has failed to satisfy the first *Franks* prong because he has  
5 not established that either affiant knowingly and intentionally, or with reckless  
6 disregard for the truth, made a false or misleading statement or omission in support of  
7 the warrant applications. Nor can Medrano satisfy the second *Franks* prong because  
8 the warrant applications are supported by sufficient probable cause even if the  
9 challenged portions are removed. *See Perkins*, 850 F.3d at 1119 (noting that in  
10 determining materiality "[t]he key inquiry is 'whether probable cause remains once  
11 the evidence presented to the magistrate judge is supplemented with the challenged  
12 omissions'") (quoting *United States v. Ruiz*, 758 F.3d 1144, 1149 (9th Cir. 2014)).

### 13 Conclusion

14 Defendant Erubey Arciga Medrano has filed a motion to suppress. Co-  
15 defendant Luis Esquivel-Bolanos has filed a "Notice of Joinder." The motions lack  
16 legal and factual support and the United States requests that the motions be denied.

17 Dated: July 29, 2024

18 Vanessa R. Waldref  
19 United States Attorney

20 s/Richard R. Barker  
21 Richard R. Barker  
22 First Assistant United States Attorney

23 s/Nowles H. Heinrich  
24 Nowles H. Heinrich  
25 Assistant United States Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on July 29, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Matthew F. Duggan, Esq.,  
Thomas D. Church, Esq.,  
David M. Miller, Esq.

s/Nowles H. Heinrich  
Nowles H. Heinrich  
Assistant United States Attorney